

M I N U T E S
SANDY CITY COUNCIL MEETING
Sandy City Hall - Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

February 1, 2005

Meeting was commenced at 7:05 p.m.

PRESENT:

Council Members: Chairman Scott Cowdell, Vice Chairman John Winder, Bryant Anderson, Steve Fairbanks, Don Pott, Linda Martinez-Saville, and Dennis Tenney

Mayor: Tom Dolan

Others in Attendance: CAO Byron Jorgenson; City Attorney Walter Miller; Community Development Director Mike Coulam; Public Utilities Director Shane Pace; Public Works Director Rick Smith; Police Chief Stephen Chapman; Fire Chief Don Chase; Parks & Recreation Director Nancy Shay; Assistant CAO Jamie Davidson; Management Analyst - Administration Korbin Lee; Director of Communications Ryan Mecham; Council Office Director Phil Glenn; Council Office Executive Secretary Pam Lehman

ABSENT/EXCUSED:

1. **OPENING REMARKS/PRAYER/PLEDGE:**

The Prayer was offered by **Boy Scout Dean Furse** of Troop #1718, and the Pledge was led by **Sean Grillone**, of Troop # 1386.

2. **CITIZEN(S) COMMENTS:**

a. **No comments were given.**

COUNCIL ITEMS:

3. **POMA - Point of the Mountain Aqueduct Update**

Discussion: **Mike Wilson**, representative from Metropolitan Water District, presented a brief overview of developments that have occurred with the master plan for the Point of the Mountain Aqueduct [POMA] project. He reported that the expansion of the Cottonwood Water Treatment Plant, and Draper Water Treatment Plants are moving forward as scheduled for completion some time this summer.

Mike Collins, from Bowen/Collins Associates, presented a power point presentation on the Point of the Mountain Aqueduct, which is a raw water pipeline and finish water pipeline that will run from the Point of the Mountain [Utah County] into the Little Cottonwood Treatment Plant. The overall completion date for this project is scheduled for December 8th, 2006. **[Ref: Exhibit "A"]**

Dennis Tenney asked if the pipeline would be a pressurized line?

Mike Collins stated "yes", and that very unlikely leaks would be detected very quickly. The pipeline will be made of steel with double walls inside and out, along with a cathodic protection to prevent long term corrosion.

Byron Jorgenson asked what cathodic protection meant.

Mike Collins noted that the pipeline sections would be welded together, then monitored for electrical resistance, a measurement as to how the pipeline is responding to corrosion. If the pipeline begins to show signs of rust, an electrical current can be sent through the pipeline to determine where the corrosion is located. Mr. Collins noted however, that they plan on having the pipeline under ground for at

least 100 years before experiencing any problems. Mr. Collins introduced Robyn Clayton, from Metropolitan Water, who is over public relations for the project.

Robyn Clayton reported that a consultant firm was hired to help form a project communication plan. Kaylyn Hermanson was hired as the Public Information Manager, and will be available to answer questions and provide information to the public during the duration of the project. A project web site has been developed at the following web address: www.pomapipe.com. This site will provide current updates on the project. A telephone hotline will also allow people to call with construction related questions.

Bryant Anderson asked if cost estimates had been established for installation of power lines along segments of the project.

Shane Pace reported that tentative costs were established prior to the bidding process. However, Utah Power and Light [UP&L] has not contacted the City on increases or decreases to estimated costs since the bidding process. Further negotiations will be necessary with UP&L before numbers can be finalized.

Bryant Anderson asked if UP&L had give a commitment to the City on cost differences to underground the power lines.

Shane Pace indicated that the costs differences would be based on installing overhead lines vs. under grounding power lines.

Bryant Anderson asked if the City had an agreement with UP&L to cover the costs to under ground power lines in Dimple Dell Park.

Shane Pace stated that UP&L would pay for the costs to underground power lines in Dimple Dell Park.

Byron Jorgenson also noted that UP&L would also pay for under grounding lines from their substation near 105th South to Dimple Dell Park.

Bryant Anderson asked Mr. Collins how long trenches in the City streets would be open.

Mike Collins indicated that it would vary on the location. They plan on completing on average 100 feet per day, and less on some streets and intersections.

John Winder asked if the pipeline is required to meet certain seismic standards.

Mike Collins noted that the pipe line was designed to meet the highest possible seismic standards.

4. **Interlocal Agreement: Sandy City/Metropolitan Water District of Salt Lake and Sandy Corridor Acquisition Agreement for Highland Drive**
Resolution #05-17 C - authorizing the execution of an Interlocal Cooperation Agreement between Sandy City and the Metropolitan Water District of Salt Lake and Sandy amending the Corridor Acquisition Agreement for Highland Drive.

DISCUSSION: Public Works Director Rick Smith informed that Council that there was an amendment to the language in the corridor acquisition agreement for Highland Drive. The original paragraph stated that the City was not certain of its ability to purchase both the Harman and/or Larkin properties. An opportunity has been presented where the City may be able to acquire the Larkin property. Therefore, Mr. Smith stated that they would like to amend the language to read as follows:

1. Section 1 and Exhibit 1 of the Agreement are amended to provide that the property identified in Exhibit 1 and owned by Elaine Harman will not be jointly acquired or condemned in fee, and that District will proceed to obtain an easement for its Pipeline across that property pursuant to Section 7 of the Agreement; and that the City may, in its discretion, elect not to purchase the property identified in Exhibit 1 and owned by Larkin Mortuary, in which case, the District shall proceed to obtain easements across the Larkin property pursuant to Section 7.

Mr. Smith stated that this amendment would allow the City to acquire property and stay in compliance with the contract. **[Ref: Exhibit "B"]**

MOTION: **Don Pott** made the motion to adopt Resolution #05-17 C ,as amended, authorizing the execution of an Interlocal Cooperation Agreement between Sandy City and Metropolitan Water District of Salt Lake and Sandy amending the Corridor Acquisition for Highland Drive.

SECOND: **Steve Fairbanks**

VOTE: **Pott- Yes, Fairbanks-Yes, Winder- Yes, Tenney-Yes, Saville- Yes, Anderson-Yes, Cowdell -Yes.**

MOTION PASSED

5. Legislative Update

DISCUSSION: **Director of Communications Ryan Mecham** provided a brief update on legislative issues of interest to Sandy City. He reported that telecommunication rates would not be addressed during the course of this legislative session. He noted that the Streamlined Sales Tax - SST effort would be abandoned. Mr. Mecham briefly highlighted Senator Bell's proposal to maintain the 50% point of sale and 50% population formula for all but "big box" retail, and noted that in relation to the streamline sales tax, this bill may also be abandoned. There were no new developments regarding RDA legislation. He reported that Senator Mansell will not carry a Transit Oriented Development bill. **[Ref: Exhibit "C"]**

Bryant Anderson felt that Legislators did not understand the ramifications on cities if incentives to locate "big box" uses are taken away. Loss of revenues that flow from big box uses would place a huge liability on cities to provide services to those uses without related revenue. He felt this would also be a disincentive and place the focus on smaller businesses to provide needed tax base for a city. Mr. Anderson stated that he is convinced that larger anchors draw people to the smaller businesses. He was hopeful that in conversations with Legislators, these pit falls would be addressed.

Don Pott commented that the abandonment of the streamlined sales tax effort would not be prudent for the State in the long term, and that it was unfortunate a formula could not be worked out to make this come to fruition.

Dennis Tenney asked why Senator Mansell withdrew his sponsorship on the Transit Oriented Development bill.

Ryan Mecham noted that he had no further information regarding the withdrawal of Senator Mansell on the Transit Oriented Development bill.

Bryant Anderson noted that it could be due in part to the adverse relationship that UTA has with the Legislature.

Dennis Tenney asked Mr. Mecham to keep the Council apprized on the status of Senator Bell's bill pertaining to gifting to elected officials.

John Winder mentioned H.B. 219 -Photo Cop- to use at intersections on red lights, not for speeding, and with no criminal penalties; also H.B. 94 - Group Homes- criminal history be limited to non-residential areas.

Ryan Mecham reported that S.B.107, sponsored by Senator Tom Hatch, would require that group homes be located in non-residential areas if residents living at the facility have certain criminal histories.

6. Litigation Update

DISCUSSION: City Attorney Wally Miller explained that on January 14th, Save Our Community filed a lawsuit to stop any further approvals on the proposed development at the gravel pit site until an election could be held on the referendum. The petition failed for insufficient signatures. After meeting with a Judge last week, Mr. Miller felt that this case would be dismissed. The petitioners could go before the Supreme Court to challenge the City Recorder's decision on the petitions, but due to the shortfall of signatures, this issue should also resolve itself.

7. Park Update

DISCUSSION: Chairman Scott Cowdell asked each individual Council member what their understanding was on the proposed acreage for park space at the gravel pit site. It was Mr. Cowdell's understanding, after the public hearings, and reading through all of the council meeting minutes, that the park was going to be at least sixteen acres in size. He also noted that he spoke with several people who attended the public hearings, and their assumption was the same as his.

Don Pott stated that looking at the motion that was passed, he could not see that there were any indications that there was to be a park of sixteen contiguous acres.

Bryant Anderson explained that the ordinance included approximately 12 acres of park space on the north, and 6.5 acres of park space nearer the amphitheater and community center, totaling 18.5 acres of park space.

John Winder stated that his understanding was the same as Mr. Anderson's explanation.

Linda Saville stated that she agreed with Mr. Cowdell's statement.

Dennis Tenney thought that he understood there would be between twelve to sixteen acres for park space.

Phil Glenn explained that the 3.3 acres between the housing and contiguous to the larger 8 acre parcel make up this near 12 acres for the northern component.

Steve Fairbanks stated that it was his understanding that the City could have as much park space as they wanted as long as the City paid for it.

Scott Cowdell stated that it seemed that the majority of the Council did not perceive that the park space should be at least sixteen acres, and that he would support the majority as long as they felt comfortable with the proposed acreage.

Bryant Anderson noted that the southeast corner of the property could potentially have an additional 6.5 acres of park space as well.

8. Administrative Code Update

DISCUSSION: Management Analyst Korbin Lee reported that the Administration is currently updating

sections of the Administrative Code. The following update to Section 2-4-5 of the Administrative Code is being proposed in **Section 6-4-5 : Organizational Responsibility** . The new diagram will graphically display the organizational responsibility within the Sandy City Government, and would take the place of the old chart. Mr. Lee indicated that the Administration would bring the ordinance back next week for adoption . **[Ref: Exhibit "D"]**

MINUTES:

9. Approving the January 25, 2005 City Council Meeting Minutes.

MOTION: **John Winder** made the motion to approve the January 25, 2005 City Council Meeting Minutes as amended.

SECOND: **Don Pott**

VOTE: **The Council responded verbally in the affirmative to the motion.**

ALL IN FAVOR

MAYOR'S REPORT:

- a. **CAO Byron Jorgenson** noted that Mayor Dolan, Assistant Mayor John Hiskey, and Economic Development Director Randy Sant were meeting with Senator Bramble to discuss RDA Legislation.

CAO'S REPORT:

- a. **Byron Jorgenson** distributed copies of the weekly Departmental Briefs to the Council. He also presented an informational card containing telephone numbers for Council members to call if their constituents have questions pertaining to the POMA project.
- b. **Community Development Director Mike Coulam** presented a disclosure to the Council regarding a property conveyance.

Attorney Pat Casaday explained that the property owners, Willow Creek Canyon LC, A. Lear Thorpe and William O. Perry have offered to gift to the City two small parcels of ground. The parcels are part of the Willow Creek Canyon Subdivision and are adjacent to city-owned property. The parcels are .03 acres and .004 acres respectively and are located at 9286 Belfair Road and 2754 East Durban Road respectively. The City's purchasing ordinance [Section 11-1-6] states in pertinent part:

(a) Grant, gift, bequest. In complying with the terms and conditions of any grant, gift, or bequest to the City, or to one of the City's departments or subdivisions, committees, or a community organization, which functions under City auspices, if such action is approved by the City Council and is otherwise consistent with law.

Mr. Casaday indicated that since this is a gift to the City, it requires formal action from the Council.

Motion: **Dennis Tenney** made the motion to accept the property conveyance from the property owners, Willow Creek Canyon LC, A. Lear Thorpe and William O. Perry to gift to the City two small parcels of ground part of the Willow Creek Canyon Subdivision and adjacent to city-owned property consisting of .03 acres and .004 acres respectively located at 9286 Belfair Road and 2754 East Durban Road respectively.

Second: **John Winder**

Vote: **Tenney-Yes, Winder-Yes, Pott-Yes, Fairbanks-Yes, Saville-Yes, Anderson-Yes, Cowdell-Yes.**

MOTION PASSED

- c. **Public Utilities Director Shane Pace** presented documents to the Council containing allegations against Sandy Irrigation and Sandy City from Evan Johnson, a shareholder in Sandy Irrigation. It was Mr. Pace's opinion that the allegations were "very inaccurate and untrue". Mr. Johnson, a water broker, desires to use, move, or sell certain of his water share rights, and is asking for year round water guarantees. He is sending letters to shareholders in an attempt to turn them against the Irrigation Company and Sandy City. **[Ref: Exhibit "E"]**
- d. **City Attorney Wally Miller** asked the Council to consider a motion for the Planning Commission to invoke pending ordinance doctrine dealing with in-door recreational land uses where alcohol can be consumed [i.e. exhibition fighting, gambling, youth dances etc.] Mr. Miller noted that as the world changes, some of these activities are "not so innocent", and may not adhere to current regulations. A motion from the Council would initiate action on this request.

Motion: Dennis Tenney made the motion to request that the Planning Commission invoke pending ordinance doctrine dealing with in-door recreational land uses where alcohol can be consumed.

Second: Bryant Anderson

Vote: Tenney-Yes, Anderson-Yes, Pott-Yes, Winder-Yes, Fairbanks-Yes, Saville-Yes, Cowdell-Yes.

MOTION PASSED

- e. **Pat Casaday** presented a disclosure to the Council regarding a property purchase at 9384 South Basin Street (700 West), consisting of .17 acres, which has been identified by the Sandy City Administration and City Council for a small linear park.

COUNCIL OFFICE DIRECTOR'S REPORT:

- a. **Mr. Glenn** distributed a monthly calendar to the Council noting the grand opening of Tai Pan on Thursday, February 3rd. Mr. Glenn clarified that the only Council member attending the National League Conference in Washington D.C. for March would be John Winder, and that Bryant Anderson was still a question.
- b. **Mr. Glenn** presented a letter from an individual who is requesting that the City Council consider abatement on utilities for spouses of soldiers deployed to Afghanistan and Iraq. Mr. Glenn provided a list of cities currently offering this service.

Scott Cowdell asked that this item be schedule for discussion next week. He also asked that the Administration research to determine if and how these cities are funding abatement for spouses of deployed soldiers.

OTHER COUNCIL BUSINESS:

- a. **Bryant Anderson** encouraged the Administration to continue working with the Legislature on the merits and benefits of Redevelopment Agencies.
- b. **Don Pott informed** the Council that he will not be in attendance at next week's Council meeting since he will be out of town. He invited the Council to attend the Legislative Policy Committee meeting which is held on a weekly basis during the Legislative Session. The next meeting will be on Monday, February 7th.

At approximately 8:05 p.m., **Don Pott** made a motion to **adjourn** Council Meeting, motion seconded by

Steve Fairbanks.

The content of the minutes is not intended, nor are they submitted, as a **verbatim transcription** of the meeting. These minutes are a **brief overview** of what occurred at the meeting.

Scott L. Cowdell
Council Chairman

Pam Lehman
Council Office Executive Secretary

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